

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FORT SMITH DIVISION

JULIA MCGUIRE

PLAINTIFF

vs.

CASE No. 05-2144

WHIRLPOOL CORPORATION

DEFENDANT

**O R D E R**

Plaintiff brings this action against Defendant asserting an unlawful termination claim under the Family Medical Leave Act (FMLA), 29 U.S.C. § 2601, *et seq.* (Doc. 1.) Currently before the Court is Defendant's Motion for Summary Judgment (Doc. 28), Defendant's supporting memorandum (Doc. 29), Plaintiff's Response (Doc. 34), and Defendant's Reply (Doc. 36).

The Court finds that there are genuine issues of material fact precluding summary judgment on Plaintiff's FMLA claim, specifically whether Plaintiff was terminated for exercising her rights under the FMLA. Accordingly, the Motion for Summary Judgment is hereby DENIED in all respects. Plaintiff's claim of unlawful termination shall proceed to trial, currently scheduled for the week of October 16, 2006.

IT IS SO ORDERED this 4<sup>th</sup> day of August 2006.

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/S/ Robert T. Dawson

Robert T. Dawson  
United States District Judge